

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:18-cv-00404-FDW**

**CURTIS JOEL SMITH,**

**Petitioner,**

**vs.**

**JOHN A HERRING,**

**Respondent.**

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**ORDER**

Curtis Joel Smith, a prisoner of the State of North Carolina, has filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in this Court (Doc. No. 1), together with a motion for appointment of counsel (Doc. No. 2) and an application to proceed in forma pauperis (Doc. No. 3). He also has paid the \$5.00 filing fee.


Smith challenges criminal judgments imposed in the Cumberland County Superior Court. (§ 2254 Pet. 1, Doc. No. 1.) Cumberland County is within the territorial jurisdiction of the United States District Court for the Eastern District of North Carolina. See 28 U.S.C. § 113(a). Thus, pursuant to the provisions of 28 U.S.C. § 2241(d), and in accordance with a joint order of the United States District Courts for the Eastern, Middle and Western Districts of North Carolina (Joint Order, In re: Applications for Writs of Habeas Corpus (Oct. 26, 1966)), the Court shall transfer the habeas petition to the United States District Court for the Eastern District of North Carolina, where venue is proper. This Court has not conducted an initial review of the petition and makes no observation as to its timeliness.

**IT IS, THEREFORE, ORDERED** that the Clerk of Court shall transfer this civil action to the United States District Court for the Eastern District of North Carolina for all further

proceedings. The Clerk is further directed to provide a copy of this Order to Smith and, thereafter, to close this case.

**SO ORDERED.**

Signed: July 31, 2018

  
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Frank D. Whitney  
Chief United States District Judge

